

S.B. Civil Writ Petition No.9658/05
Abdul Ganif Khan Vs. Union of India & Ors.

Date of Order : 08/12/2005

Hon'ble Mr. Justice Ajay Rastogi

Mr. Jitendra Mitruka, for petitioner

Counsel contends that the petitioner served as Constable in the respondent institution w.e.f. 15th October, 1998 till 31st March, 2004 and while in service he sustained injuries. After retirement from service, he made representation for grant of disability element for the purpose of computation of pension, which was declined by the authority vide order dt.13th July, 2004 [Ann.1] against which he preferred appeal before the Appellate Authority, which is to be considered by the respondent No.2. But, the appeal preferred by him is still pending for final decision and pendency is causing great hardship to him. He further contends that he was discharged from Army Hospital with 100% disability.

Without going into merits of the matter, I consider it proper to direct the respondents to first dispose of the appeal preferred by the petitioner within a period of two months from the date certified copy of this order is served in the

office of Appellate Authority in accordance with law. Copy of the decision on the appeal preferred by him be also communicated to the petitioner.

With the above observations, the petition is disposed of. However, the petitioner will be free to avail remedy if not satisfied with the decision of the appeal, which is available to him under law.

[Ajay Rastogi], J.

FRB